

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**IN RE: AVANDIA MARKETING,  
SALES PRACTICES, AND PRODUCTS  
LIABILITY LITIGATION**

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**MDL NO. 1871  
07-MD-1871**

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**THIS DOCUMENT APPLIES TO:  
ALL ACTIONS**

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**ORDER**

**AND NOW**, this 21<sup>st</sup> day of July 2015, upon consideration of the briefing in response to the Court's February 26, 2015 Order to Show Cause, and after a hearing on the jurisdictional issues, and for the reasons set forth in the accompanying memorandum opinion, it is hereby **ORDERED** as follows:

- 1) The Court properly exercised its jurisdiction in enacting PTO 70;
- 2) The Johnson Firm implicitly entered into a contract with the MDL Plaintiffs' Steering Committee, agreeing to be bound by the terms of the Attorney Participation Agreement and PTO 70 in exchange for access to MDL work product, by its conduct, including retaining signatories Baum and Rosemond as trial counsel, and extensively using MDL work product to advance the *Gabel* cases;
- 3) Given the implicit agreement by the Johnson Firm to be bound by the Attorney Participation Agreement and PTO 70, and the express agreement to be bound signed by the retained trial counsel Baum and Rosemond, the Court has jurisdiction to determine whether PTO 70 has been violated, or the Attorney Participation Agreement has been breached;

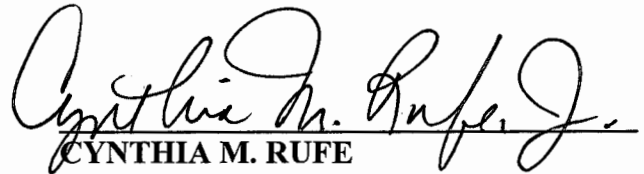
4) The Court holds that all settled claims in the *Gabel v. GlaxoSmithKline* litigation in which Baum, Rosemond, or the Johnson Firm hold a financial interest are “assessed cases” and “covered claims” as defined by the terms of the Attorney Participation Agreement and PTO 70, and are thus subject to a Common Benefit Assessment under PTO 70;

5) GSK has held back a 7% assessment on the gross recovery. This money shall be deposited in the Avandia Common Benefit Fund.

The related Motions for Permanent Injunction [Doc. No. 4411], for Expedited Discovery [Doc. No. 4423], and for Service by Alternate Means [Doc. No. 4523] are **DISMISSED** as moot.

It is so **ORDERED**.

**BY THE COURT:**

  
CYNTHIA M. RUFÉ